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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of

Request for Comments
In Connection With Sections
312(a)(7) and 315 of the
Communications Act

MM Docket No. 92-254

EX PARTE PRESENTATION

TO: The Commission

SUPPLEMENT TO COMMENTS
OF PLANNED PARENTHOOD FEDERATION OF AMERICA,
PLANNED PARENTHOOD OF THE ROCKY MOUNTAINS,
AND PLANNED PARENTHOOD OF GREATER IOWA

Planned Parenthood Federation of America, Planned Parenthood of the Rocky Mountains and Planned Parenthood of Greater Iowa ("Planned Parenthood") hereby submit a supplement to their comments, dated January 22, 1993, filed in this proceeding.

A federal candidate broadcast an advertisement last fall in Iowa which invited viewers to harass both the former and current Medical Directors of Planned Parenthood of Greater Iowa, and provided their pictures, names and home addresses. Planned Parenthood's comments

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argued that the Commission should not require broadcasters to "provide mandatory access to persons to air material which invades the privacy of private citizens unrelated to a political campaign, and has the likely effect of inciting viewers to harass such persons." Planned Parenthood requested that the Commission address this matter as part of its current proceeding, since the issue would likely arise on short notice in future elections, leaving little time for careful deliberation.¹

I. Recent Murder of Florida Physician

On Wednesday, March 10th, Michael Griffin shot and killed Dr. David Gunn, a Florida physician who had performed abortions, as he stepped out of his car at the Pensacola Women's Medical Services clinic in Pensacola, Florida. Griffin waited for Gunn behind the clinic during an anti-abortion demonstration organized by the anti-abortion group Rescue America. Griffin yelled

¹ In a footnote to its Comments, Planned Parenthood requested that: "Alternatively . . . the Commission issue a further 'Request for Comments' on the issue of whether 312(a)(7) requires licensees to provide access to their facilities for the unauthorized broadcast of such material." Id., at fn. 4.

"don't kill any more babies" before shooting Gunn in the back. Griffin confessed to the murder at the scene.²

Dr. Gunn's picture, name, and address had been distributed in the form of "wanted" posters at a 1992 rally for Randall Terry (head of Operation Rescue) in Montgomery, Alabama. According to one account, the posters ". . . were designed to encourage anti-abortion workers to harass doctors working at clinics operated by Gunn in Alabama."³

The implications of this tragedy for the proceeding under consideration are best expressed in a recent Los Angeles Times article:

Dr. Gunn's face was on a 'wanted' poster distributed by Operation Rescue, too. No, nobody said 'Go out and kill this man,' but it happened, and it seems few people who follow the battle for reproductive rights were surprised.⁴

Operation Rescue leader Randall Terry expressed regret over Gunn's murder, but said the group was targeting physicians who performed abortions: "We're going to make their lives a living hell."⁵

² "Doctor Killed During Abortion Protest," The Washington Post, March 11, 1993, A-4.

³ "Abortion Protester Held in Doctor's Murder at Clinic Shooting," Los Angeles Times, March 11, 1993, p. 1.

⁴ Dianne Klein, "The End Does Not Justify the Fanatical Means of Terrorism," Los Angeles Times, March 16, 1993, View, p. 1.

⁵ "Abortion Foes Target Doctors for Harassment," Los Angeles Times, March 14, 1993, p. 1.

Broadcasts may be more dangerous to physicians than posters.

Written messages are not communicated unless they are read; and reading requires an affirmative act. Broadcast messages, in contrast, are 'in the air' . . . It is difficult to calculate the subtle impact of their pervasive propaganda . . . but it may reasonably be thought greater than the impact of the written word.⁶

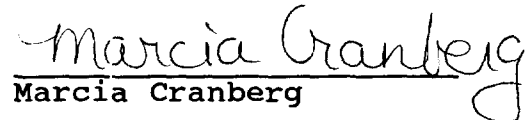
II. CONCLUSION

Planned Parenthood again urges the Commission not to require broadcasters to broadcast invitations to harass private individuals. If it is the Commission's determination that consideration of this matter is beyond the scope of the current proceeding, Planned

⁶ Banzhaf v. FCC, 405 F. 2nd 1082, 1100-1101 (D.C. Cir. 1968)), cert. denied, 396 U.S. 842 (1969). See also FCC v. Pacifica, 438 U.S. 726 (1978): "[T]he broadcast media have established a uniquely pervasive presence in the lives of all Americans"

Parenthood urges the Commission to initiate a new inquiry to consider this urgent issue.

Respectfully submitted,


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cc: Secretary, Federal Communications
Commission (2 copies)